



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Atty. Docket

Jack E. Haken

US010712

Serial No.: 10/029,832

Group Art Unit 2161

Filed: December 27, 2001

Examiner: Jamisue E. Webb

**WIRELESS INTERACTIVE RENDEZVOUS SYSTEM FOR DELIVERING GOODS
AND SERVICES**

Commissioner for Patents
Alexandria, VA 22313-1450

DECLARATION OF JACK E. HAKEN UNDER 37 C.F.R. 1.131

Sir:

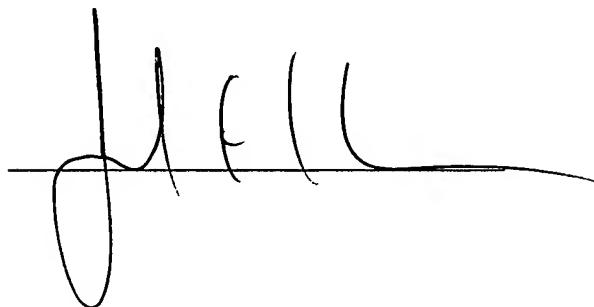
JACK E. HAKEN declares that:

1. I am registered with the United States Patent and Trademark office as a Patent Attorney (Reg. Number 26902). At all times mentioned below I was, and remain employed by Philips Electronics North America Corporation as a Deputy Corporate Patent Counsel. During the year 2001, my office was located at 580 White Plains Road in Tarrytown, New York.
2. I make this declaration under Rule 131 for the purpose of eliminating U.S. published patent application 2004/0034571 ("the Wood Application") as a prior art reference under 35 U.S.C. 102(e) in this case. The Wood Application was filed under the Patent Cooperation Treaty on October 10, 2001.
3. I conceived the invention claimed in this case and sent a written disclosure of the invention to Laurie Gathman prior to October 10, 2001. The disclosure was processed by a secretary and assigned an export control number by the appropriate officer of Philips Electronics North America. The disclosure was assigned ID number 702558. A copy of the written disclosure, with annotations by the secretary and the export control officer is attached to Ms. Gathman's corresponding Declaration as Exhibit A. (Dates and date stamps have been redacted from the Exhibit, all redacted dates on this document are prior to October 10, 2001).
4. During the critical period from October 10, 2001 until the constructive reduction to practice of the invention on December 27, 2001, I and employees of Philips

working under my direction exercised diligence in preparing and filing a patent application covering the invention.

5. On or about Friday December 7, 2001 Ms. Gathman sent me the results of a prior art search (Exhibit E of Ms. Gathman's corresponding Declaration) and asked me if I could assist her to meet annual patent application commitments by preparing a draft of my patent application for filing. I agreed to do so.
6. I was scheduled to travel to Taiwan on Monday December 10 for an urgent meeting with companies that required licenses under Philips patents. I believe that I began drafting the patent application while traveling to Taiwan on Monday December 10 and finished the application when I returned home on December 18 -20, 2001. My office reopened after the Christmas holiday on December 26, 2001 at which time we promptly processed formal paperwork and filed my application on December 27, 2001.
7. The time period from September 11, 2001 through the end of December 2001 coincided with then terrorist attacks on New York City. Philips' offices in Tarrytown New York and Philips' corporate headquarters in the United States were all located within a thirty-five mile radius of the attack sites. Communications, mail and transportation to and from our offices suffered considerable disruptions during the period between October 11, 2001 and December 27, 2001. Government and corporate security policies effectively precluded me from all foreign travel between September 11, 2001 and December 1, 2001. Nevertheless, the times stated above for preparation of this patent application were typical, or even shorter, than the normal processing times for patent applications taken up in normal order in our offices.

I declare that all statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true, and further that statements so made were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of application and any patent issued thereon

A handwritten signature consisting of several stylized, overlapping loops and curves, appearing to be a cursive form of a name.

Date Aug 9, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Atty. Docket

Jack E. Haken

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Serial No.: 10/029,832

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Examiner: Jamisue E. Webb

WIRELESS INTERACTIVE RENDEZVOUS SYSTEM FOR DELIVERING GOODS
AND SERVICES

Commissioner for Patents
Alexandria, VA 22313-1450

DECLARATION OF LAURIE GATHMAN UNDER 37 C.F.R. 1.131

Sir:

LAURIE GATHMAN declares that:

1. I am registered with the United States Patent and Trademark office as a Patent Attorney (Reg. Number 37520). At all times mentioned below I was, and remain employed by Philips Electronics North America Corporation as a Senior Patent Attorney. During the year 2001, my office was located at 580 White Plains Road in Tarrytown, New York.
2. I make this declaration under Rule 131 for the purpose of eliminating U.S. published patent application 2004/0034571 ("the Wood Application") as a prior art reference under 35 U.S.C. 102(e) in this case. The Wood Application was filed under the Patent Cooperation Treaty on October 10, 2001.
3. Jack E. Haken sent me a written disclosure of the invention prior to October 10, 2004. The disclosure was processed by my secretary and assigned an export control number by the appropriate officer of Philips Electronics North America. The disclosure was assigned ID number 702558. A copy of the written disclosure, with annotations by a secretary, the export control officer and me is attached as Exhibit A. (Dates and date stamps have been redacted from the Exhibit, all redacted dates on this document are prior to October 10, 2001).
4. Prior to October 10, 2001 I sent a copy of the abovementioned written disclosure to Dr. Karen I. Travato for technical comments and review. Dr. Travato sent me her written technical comments and suggestions for citation of her prior art patent application (attached Exhibit B) on October 5, 2001.

5. During the critical period from October 10, 2001 until the constructive reduction to practice of the invention on December 27, 2001, I and employees of Philips working under my direction exercised diligence in preparing and filing a patent application covering the invention.
6. On October 11, 2001 I ordered a "standard" prior art search as shown in attached Exhibits C and D.
7. I received the results of the prior art search by e-mail on December 7, 2001 as evidenced in attached Exhibit E.
8. My workload of amendments and other patent applications did not permit me to immediately take up preparation of a patent application for Mr. Haken's disclosure when I received the search results on December 7, 2001. There was an urgency to file the application before the end of 2001, and I asked Mr. Haken if he would undertake to prepare the patent application himself. He agreed to do so .
9. The time period from September 11, 2001 through the end of December 2001 coincided with then terrorist attacks on New York City. Philips' offices in Tarrytown New York, Philips', our corporate headquarters in the United States, Dr. Travato's office in Briarcliff Manor New York and my home were all located within a thirty-five mile radius of the attack sites. Communications and transportation to and from our offices suffered considerable disruptions during the period between October 11, 2001 and December 27, 2001. Nevertheless, the times stated above for preparation of this patent application were typical, or even shorter, than the normal processing times for patent applications taken up in normal order in our offices.

I declare that all statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true, and further that statements so made were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of application and any patent issued thereon



Date Aug 9, 2004

Export Control
NY E CLASS
02/10/03 2001 AC



PHILIPS

702558

02-06/070

Gr-TH

Philips Electronics

To: Laurie Gathman

Copy:

From:

Jack Haken

Intellectual Property Dept.
Tarrytown, NY 10591

Tel: 914-333-9650
Fax: 914-332-0015

File No.:

Date:

#3
Subject: Invention disclosure for dynamic delivery of fast food and other goods

Inventors: Jack E. Haken

The problem to be solved:

Fast food and other items can be ordered by via cellular telephone or wireless data services, but delivery of the order must typically be made at a predetermined fixed location.

The invention:

The invention is a method which coordinates information including the geographic position of a wireless device which is used to place an order with route and delivery system information to allow dynamic delivery of fast food, personal items and other goods to customers who are walking, driving or traveling.

As an example, a group of office workers decide to eat lunch in the park. They place their food order via a cellular telephone or wireless pda which includes a position determining module (eg. GPS, Snaptrack, other e911 etc). In response to questions, they indicate that they would like dynamic delivery of the food on their way to Central Park, their expected arrival time, method of transportation, and expected route. The order information is entered into a server which also has access to databases which include various locations where the food order can be prepared, estimates of expected preparation time for items ordered, location and availability of deliverperson, and information about other pending and anticipated orders. Using this information the server calculates a

C:\WINDOWS\TEMP\INTERACTIVE DELIVER DISCL #2.DOC

EXHIBIT A

BEST AVAILABLE COPY

either confirm the proposed time and location or make proposals for modifications thereof.

Once the order has been confirmed, the server uses position information from the customer's pda, order status information from the preparation location and position tracking information from a module carried by the delivery person to monitor and, if necessary, update the proposed delivery time and location. Messages can be sent in real time to enable the customers and delivery person to find and identify each other. If the order has been charged to a credit card or other account, the server can also send a confirming message to the customers' cellular telephone or terminal which verifies payment and authorizes the delivery person to turn-over the order to them.

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Philips Research - USA

Date: 10/5/01

To:
Company:
Subject:
Fax Number:
cc:
From:

Laurie Gathman

Disclosures to other new ideas

Dr. Karen I. Trovato

Hi Laurie,

These seem off.

#3 may be implemented by referencing
rendezvous planner.

PHA 21, 784.

Thanks!

Karen

Cover Sheet followed by 7 Page(s)

Philips Research-USA
Philips Electronics North America Corp.
345 Scarborough Road
Briarcliff Manor, New York 10510

Phone: (914) 945-6233
Fax: (914) 945-6141
Email: Karen.Trovato@Philips.com

ID ABSTRACT

ID-number: 702558	Client reference:	Patent Engineer: Laurie E. Gathman	To be filled in by GS&S:
Inventors: Jack E. Haken		ISC: R70	PS: 14-08
			PPManager: A.W.M. Groenendaal

Short title: Dynamic Delivery of Fast Food and Other Goods

OS-codes: ZZ1000

Project code: MDB

Action code: 1

ID Date:

Action Code Date:

ABSTRACT

The invention is a method which coordinates information including the geographic position of a wireless device which is used to place an order with route and delivery system information to allow dynamic delivery of fast food, personal items and other goods to customers who are walking, driving or traveling.

(Please return to local GS&S)

Confidential - for internal use only

PETE/MvS/1999-02-24

EXHIBIT C

ID SEARCH REQUEST

ID-number: 702558

Patent Attorney: Laurie Gathman

ACTION CODE = AC1

Search requested:
October 11, 2001

Standard search

Specific deadline, if any:

Summary of what is to be searched:

See ID (enclosed)

See ID ABSTRACT (enclosed)

Specific requests:

State of the art (patents, articles in technical journals, brochures, etc), known to the
inventor / PE (include a copy if appropriate):

Searcher:

Received:

Search Report No.:

Date of report:



PHILIPS

mail

Patti DeMichele

2001-10-11 11:47 AM

To: Leo Grobben/EHV/CIP/PHILIPS@EMEA3
Theo van Lieshout/EHV/CIP/PHILIPS@EMEA3
cc:
Subject: ID Abstract/Search
Classification: Unclassified

Enclosed herewith are ID Abstracts and disclosures for: 702556, 702557 and 702558

Please order Searches for all three disclosures.



702558ABST.doc 702557ABST.doc 702556ABST.doc



702558.pdf 702557.pdf 702556.pdf

Thank you,
Patti DeMichele
Legal Assistant
Philips Electronics
580 White Plains Road
Tarrytown, New York 10591
914 333-9642
patti.demichele@philips.com

EXHIBIT D

CIP
Search Group
RWS London

Search Report
ID Search ID - 702558

RW 457

07 Dec 2001

Patent Engineer: GATHMAN, L.E. - CIP-US

Received: 31 Oct 2001

Title: DYNAMIC DELIVERY OF FAST FOOD AND OTHER GOODS

Search criteria:

An International Novelty Search was conducted in respect of a mobile and dynamic delivery service for fast foods and other goods. It co-ordinates information such as the geographical location of the wireless device (used to place the order), the route and delivery time and location thus providing a dynamic delivery service.

Relevant documents: (* indicates a Philips patent/application)	relevant to criteria
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Technological background: (* indicates a Philips patent/application)	relevant to criteria
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US 6047236 (1) Col 4 line 55 – col 5 line 63; col 12 lines 20-38
US 6259405 (2) Abstract
WO 0143464 (3) Abstract
WO 9427264 (4) Abstract
WO 9738548 (5) Abstract; page 2 line 11 – page 3 line 7

(1) Wireless location finder using an abbreviated name of desired location eg fast food chain in a specific area.

(2) Mobile user able to connect to a network to obtain information from information provider e.g. restaurants, stores.

EXHIBIT C

CIP
Search Group
RWS Londen

Search Report
ID Search ID - 702558

RW 457

07 Dec 2001

(3) Server collecting marketing data of mobile users location when they place orders for goods using their phones.

(4) Location tracking of carrier and the time period to travel to their location.

(5) Location calculation of a cellular phone based on GPS.

US010712
Haken

documents topic

Public

Submitted by	Category	Review Cycle	
Willy van der Putten/EHV/CIP/PHILIPS on 2001-12-07 at 04:40 AM	ID US (ID7*)		

ID702558_RW457



RW457.doc wo9738548(A1).pd us6259405.pdf wo0143464(A1).pd wo9427264(A1).pd us6047236.pdf

Originator	Reviewers: Previous	Current	Future
Willy van der Putten/EHV/CIP/PHILIPS	None	Laurie Cathman/TRY/CIP/PHLIPS Pam Conboy/TRY/CIP/PHLIPS	None

Submitted for review on 07-12-2001

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